

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Stephan Nicholas Holmes,

Case No. 23-cv-2186 (KMM/DJF)

Plaintiff,

v.

ORDER

County of Ramsey; Ramsey County Public Health, Correctional Health; Kristen, Ramsey County ADI Correction Health Supervisor; Dr. Van Vraaken, Correctional Health Med. Director; Lt. Rodriguez, Director of Ramsey County Jail; Jane Does 1-12; and John Does 1-12,

Defendants.

On July 21, 2023, Stephan Nicholas Holmes filed this lawsuit against numerous parties, alleging violation of his prisoner civil rights. [Holmes Complaint, ECF No. 1.] Mr. Holmes alleges that Defendants utilized excessive force and exhibited deliberate indifference in response to his repeated pleas for assistance with mobility throughout the Ramsey County ADC. Mr. Holmes has limited mobility due to his spinal injury, a herniated disc, that occurred prior to his arrest and subsequent booking to the Ramsey County ADC. Mr. Holmes brings claims against the Defendants under federal and state law.

In accordance with 28 U.S.C. § 1915(b), United States Magistrate Judge Dulce J. Foster ordered Plaintiff Stephan Nicholas Holmes to pay an initial partial filing fee of \$59.18 on July 24, 2023. [ECF No. 2.] Judge Foster cautioned that if Mr. Holmes did not pay the required initial partial filing fee, the Court would recommend that this case be dismissed without prejudice for failure to prosecute. The Court gave Mr. Holmes 21 days to pay the fee. Mr. Holmes has not paid

the required initial partial filing fee, nor has he communicated with the Court about this case since commencing this action.

On September 5, 2023, the Court issued a Report and Recommendation (“R&R”) recommending that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. [ECF No. 5.] No objections have been filed to the R&R in the time period permitted. The Court accepts the R&R in its entirety.

Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein: **IT IS HEREBY ORDERED** that the September 5, 2023 Report and Recommendation [ECF. No. 5] is **ADOPTED**, and Mr. Holmes’ Complaint is **DISMISSED without prejudice**.

Let Judgment be entered accordingly.

Date: November 28, 2023

s/Katherine Menendez

Katherine Menendez
United States District Court